



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/082,561

02/25/2002

Olivier Bernard Clarisse

3-1-32-2

3186

7590

12/27/2005

Werner Ulrich
434 Maple Street
Glen Ellyn, IL 60137-3826

EXAMINER

AVELLINO, JOSEPH E

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,561

Applicant(s)

CLARISSE ET AL.

Examiner

Joseph E. Avellino

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-8 are pending in this application.

Claim Rejections - 35 USC § 102(e)

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Karjanlahti (U.S. 2003/0187926 A1), hereinafter 'Karjanlahti'.

Regarding claims 1 and 5,

Karjanlahti taught an apparatus for establishing a pre-configured multi-port telecommunications connection, comprising: an Internet network ([0020 (...IP network...)); and a plurality of end user stations connected to said Internet network ([0020] and fig. 2); at least one of said stations having soft button capabilities for generating a message identifying a soft button, in response to an operation of said soft button ([0047]); means for receiving said message, and for generating signaling messages for activating pre-specified connections corresponding to connections requested by said at least one station, in response to the operation of one of said soft buttons ([0025], last 5 lines of paragraph [0034] and [0037]).

Regarding claims 2 and 6,

Karjanlahti taught an apparatus further comprising wherein the means for activating said connections comprises a proxy server for sending signaling messages to the Internet to activate said requested connections (**[0003, 0025 to 0027] (...logical channels between the GGSN and the multicast router...)**). Note that proxy-like functionalities are inherent in the multicast router disclosed by Karjanlahti. The multicast router effectively performs signaling functions on behalf of a client (GGSN).

Regarding claims **3 and 7**,

Karjanlahti taught an apparatus wherein said proxy server comprises a Servlet program for controlling the sending of signaling messages to the Internet to activate said requested connections (**[0003, 0025 to 0027, 0036 and 0047] (...logical channels between the GGSN and the multicast router...)**). Note that proxy-like functionalities are inherent in the multicast router disclosed by Karjanlahti. The multicast router effectively performs signaling functions on behalf of a client (GGSN) **[0020]**. Furthermore, Karjanlahti expressively disclosed controlling functions regarding the functionality of the multicast router **[0025-26]**. Since a Servlet is a modular implementation of computer executable instructions, Karjanlahti's disclosure inherently disclosed the functional limitations of the invention.

Regarding claims **4 and 8**,

Karjanlahti disclosed an apparatus wherein said at least one end user station comprises an applet program for generating said signaling messages (**first three lines in [0027]**,

[0035 and 0047]). Karjanlahti recites, "...pushes the button, which triggers the signaling to reserve the physical resources in the network (if not already reserved)...".

Note that a computer executable instruction such as those found in an applet is inherent in Karjanlahti's disclosure.

Response to Arguments

Applicant argues, in substance, that (1) Karjanlahti is not considered prior art since the U.S. application was filed more than one year after the PCT (Finnish) application and is not entitled to the priority date of the Finnish application.

1. As to point (1), the Applicant is incorrect. Although Applicant is correct in reciting proper passages of 35 USC 119(a), this has no bearing as to the international filing date of the Karjanlahti reference. Applicant is advised to review MPEP 1842 where it is stated that once the PCT application is filed (less than or equal to 12 months from the first national application), the inventor has **EIGHTEEN MONTHS** to file any other national phase entries. As such the international filing date is considered the 102(e) date since: (1) the PCT was filed on or after November 29, 2000 (it was filed December 13, 2001), (2) it designated the US (as can be seen on the accompanying cover page of WO 02/51072, the international publication of the application in question, see heading (81) designated states), and (3) it was published in English (as can be seen in the abstract as well as the specification). Therefore, Karjanlahti is clearly considered prior

art under 102(e) with an international filing date of December 13, 2001. By this rationale, the rejection is maintained.

Conclusion

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.


Art Unit: 2143

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEA
December 19, 2005



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100